

## SECTION: REMARKS

This reply is submitted pursuant to 35 U.S.C. §132 and 37 C.F.R. §1.111. The Office Action was carefully considered by the undersigned attorney and applicant. Reconsideration of the application is respectfully requested.

As the Office Action was “Final”, this reply is submitted under the provisions of 37 C.F.R. §§1.113 and 116. The amendment merely removes issues for appeal.

Enclosed also is a Notice of Appeal and Fee under 37 CFR§ 1.191.

### **1. Summary of the Office Action.**

The restriction and election were indicated.

Claims 1, 2, 4, 6, 8, 10-19 and 38 were pending.

Claim 1, 3, 4, 6, 8, 10-19 and 38 were rejected under 35 USC 112, second paragraph.

Claims 1, 3, 4, 6, 8, 10-19 and 38 stand rejected under 35 USC 102(b) or 103(a) over Metalcrete FLORUNDUM.

### **2. Discussion.**

As an initial matter, Applicant wishes to clarify a potential number transposition in the examiner's "Office Action Summary." Claim 2 was previously canceled and is not pending, and claim 3 is pending.

### **Claim Rejection - 35 USC §112, Second Paragraph**

**Claims 1, 8, 11 and 38.** These claims were rejected under 35 USC §112, second paragraph.

Applicant has amended each claim in view of the examiner's comments. Applicant wishes to thank the examiner for pointing out the informalities in these claims. The amendments are believed to overcome the rejections.

### **Claim Rejections - 35 USC §102**

**Claims 1,3, 4, 6, 8, 10-19 and 38.** These claims were rejected under 35 USC §102(b)/103 as being anticipated by or obvious in view of the Metalcrete Florundum publication. Applicant appeals these final rejections. A Notice of Appeal and Fee are attached.

### **3. Conclusion.**

The claims pending after this amendment are believed to be patentable for the reasons stated above. The amendments are believed to be supported by the specification, claims and drawings as filed. It is believed that this case is now in a condition for allowance. Reconsideration and favorable action are respectfully requested.

**Should the Examiner believe that telephone communication would advance the prosecution of this case to finality, she is invited to call at the number below.**

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time under 37 CFR 1.136(a), provided a Petition is not submitted separately.

Please charge any fee due not paid by a check or credit card provided herewith, and/or charge any underpayment in any fee, and/or credit any overpayment in fee, to Deposit Account No. 19-2381.

<u>Any fees due are calculated as follows:</u>		<u>Number</u>	<u>Fee</u>
TOTAL claims remaining over that previously paid for:		None	\$0
INDEPENDENT claims remaining over that previously paid for:		None	\$0
	SUM claim fees:		\$0
EXTENSION fees:			\$510.00
OTHER fees:	Appeal Fee		\$250.00
	<u>TOTAL AMOUNT (if any)</u>		\$760.00
<input type="checkbox"/> Paid by enclosed check.			
<input checked="" type="checkbox"/> Paid by enclosed Credit Card Payment Form(s) PTO-2038.			

Respectfully submitted,



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Date: 1-19-07

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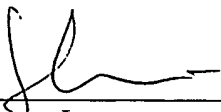
**REQUEST FOR EXTENSION OF TIME**

Pursuant to 37 C.F.R. 1.136(a), Applicant requests that a 3 month extension be granted in which to file the attached communication from the applicant.

A \$ 510.00 payment, for a ☒ small ☐ large entity, is enclosed for the fee required under 37 CFR 1.17.

Please charge any additional or underpayment in fee due, or credit any overpayment, to Deposit Account No. 19-2381.

Respectfully submitted,



Date: 1-19-07

Joel D. Skinner, Jr.  
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